

REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-38 are pending in this application.

Rejections under 35 U.S.C. §103(a)

Claims 1-38 have been rejected under 35 U.S.C. §103(a) as being obvious over by U.S. Pat. No. 5,828,747 to Fisher et al. Applicant's respectfully traverse these rejections.

With regard to the rejections, the Examiner asserts that

"Applicants' main argument is the idea of 'overstaffed' where Applicants support their contention by pointing to areas in the Fisher et al. reference that cite 'idle times' or 'idle agents'. That is, applicants equate 'idle' with 'overstaffed' and therefore concluding that Fisher et al. do not disclose an 'understaffed situation. However, the examiner does not except this notion. Certainly, agents are idle from the time they hang the phone up until the next call is answered. Even in the understaffed situation, the next call is not and cannot be instantaneous connected. The examiner believes 'idle' is more in line with an agent being 'available'." (Office Action of 7/27/05, page 5).

However, the meanings taken by the Examiner for the understaffed and overstaffed situation are clearly contrary to the express teachings of the specification. For example, the specification clearly states that "In the understaffed situation (no agents available and calls are queued), a call will be selected from the queue of a work

type which will bring an available agent's actual occupancy level closest to the target for that agent". In this regard, Fisher et al. fails to provide any teaching or suggestion of the understaffed situation where no agents are available and calls are queued.

Further, under the claimed invention, the process of assigning calls is different between the overstaffed and understaffed situations. For example, in the overstaffed situation, one of many agents is selected based upon the differences among agents. On the other hand, in the understaffed situation, one of many calls is selected based upon differences among calls.

This difference is significant because the requirement of multiple agents (as under Fisher et al.) from which to select an agent requires a delay in call assignment for the understaffed situation until at least two agents become idle. This would necessarily be the case with any use of target occupancy under Fisher et al.

For example, "if only one suitable agent is presently available to handle a call, then the call may be allocated to that agent immediately and other considerations of steps 602-604 may be dispensed with" (Fisher et al., col. 5, lines 62-65). In this regard, FIG. 6 of Fisher et al. clearly shows that step 604 goes to the heart of target occupancy. Dispensing with step 604 clearly places the understaffed situation under Fisher et al. outside the realm of target occupancy.

As such, processing calls in the understaffed situation under the claimed invention provides a functionality not available under Fisher et al. For example, since target occupancy is dispensed with when only one agent is available, target occupancy is not considered


under Fisher et al. in the understaffed situation. Since occupancy is not considered in the understaffed situation, Fisher et al. cannot provide the same results as that of the claimed invention.

The claimed invention is limited the method step of (and apparatus for) "in an understaffed situation, when an agent of the agents becomes available, selecting a call from a queue of a work type of the plurality of work types having a largest relative difference between actual occupancy and target occupancy among the work types of the available agent; and assigning the selected call to the available agent". Since Fisher et al. does not address the understaffed situation, Fisher et al. does not teach or suggest this claim limitation. Since Fisher et al. does not teach or suggest this claim limitation, Fisher et al. does not teach or suggest each and every limitation of the claimed invention. Since Fisher et al. does not teach each and every limitation of the claimed invention, the rejections are improper and should be withdrawn.

3. Allowance of claims 1-38, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

WELSH & KATZ, LTD.

By: 
Jon P. Christensen
Registration No. 34,137

August 25, 2005
WELSH & KATZ, LTD.
120 S. Riverside Plaza
22nd Floor
Chicago, Illinois 60606
312-655-1500